

REMARKS

Claims 1-5, 8-17, 20-29, 32-34, 36-41, 44-46 and 48 are pending in this application, of which claims 1, 2, 5, 8-10, 13, 14, 17, 20-22, 25, 26, 29, 32-34, 37-39, 41 and 44-46 have been amended. No new claims have been added. Claims 6, 7, 18, 19, 30, 31, 35, 42, 43 and 47 have been cancelled in this response.

(1) Claims 1-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11043731.

Independent claims 1, 13, 25 and 37 have been amended to incorporate the transitional phrase “consisting of,” and the limitations of claims 6, 7, 18, 19, 30, 31, 42 and 43. The term “optionally” is allowed as discussed in MPEP2173.05(h).

The alloys disclosed by JP 11043731 include carbon. Please see abstract and Tables 1-4 of JP 11043731. In addition, as disclosed at paragraph [0014] of JP 11043731, inclusion of carbon is essential in the disclosed invention, teaching away from reducing the carbon amount into less than 0.0003wt%.

On the other hand, the alloys of the present invention do not include carbon. The transitional phrase “consisting of” excludes any ingredient not specified in the claim. MPEP2111.03.

Thus, the rejection of amended claims 1, 13, 25 and 37 under 35 U.S.C. §103(a) is not supported by JP 11043731. Reconsideration of the rejection is respectfully requested.

(2) Claims 1-24, 35 and 47 were rejected under 35 U.S.C. §103(a) as being unpatentable over JP 11043731 as applied to claims above, and further in view of EP 0440548.

(i) As explained above, the alloys disclosed in JP 11043731 include carbon. There is no motivation to remove carbon from the alloys disclosed in JP 11043731.

(ii) In addition, claims 1, 13, 25 and 37 have been amended to incorporate the limitations that “the alloy has a stress relaxation ratio of 10% or less when the alloy is maintained at a temperature of 150°C for a period of 1000 hours.” The amendment is supported at page 24, lines 12-14. While the Examiner states that “the instant specification does not provide conditions such as time and temperature the stress relaxation ratio is recorded,” such conditions are described there.

The alloys of the invention of EP 0440548 shows the stress relaxation of 11-12% as shown in Table 1, but the condition of the stress relaxation is after the test piece was maintained at 150°C for 500 hours. Please see the paragraph bridging between pages 4 and 5. On the other hand, the alloy of the present invention has a stress relaxation ratio of 10% or less when the alloy is maintained at the same temperature (150°C) but for a period of 1000 hours.” In other words, the alloy of the present invention shows smaller stress relaxation ratio for a longer period at the same temperature than that of EP 0440548. Thus, the alloy of the present invention is much more excellent in the stress relaxation property.

Thus, claims 1, 13, 25 and 37, as amended, are not obvious over the references. Reconsideration of the rejection is respectfully requested.

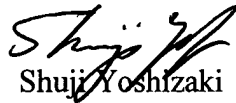
(3) In view of the aforementioned amendments and accompanying remarks, Applicants submit that that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney to arrange for an interview to expedite the disposition of this case.

Amendment
Serial No. 10/602,646
Attorney Docket No. 020960A

If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP



Shuji Yoshizaki
Limited Recognition
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

SY/mt/ya
Attachment: Limited Recognition